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Act for the Better
Regulation of
Chapel Hill
1855

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LAWS AND ORDINANCES

OF

CHAPEL HILL.

1855.

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THE ACT

OF THE

GENERAL ASSEMBLY

For the Better Regulation of Chapel Hill,

RATIFIED 29th JANUARY, 1851;

THE REVISED STATUTE

Concerning the University,

RATIFIED 29th JANUARY, 1855:

AND

THE ORDINANCES

OF THE

COMMISSIONERS OF CHAPEL HILL,

ADOPTED IN CONFORMITY THERETO,

3d March, 1855.

HILLSBOROUGH:

PRINTED BY D. HEARTT & SON.

1855.

INCORPORATION.

AN ACT FOR THE BETTER REGULATION OF THE VILLAGE OF CHAPEL HILL.

Section 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Manuel Fetter, Jesse Hargrave, Patterson H. McDade, Elisha Mitchell and Jones Watson, and their successors in office, shall be a body politic and corporate, by the name of "The Commissioners of Chapel Hill;" and as such shall have all the powers and privileges necessary for the proper government of said village.

Sec. 2. *Be it further enacted,* That on the first Thursday in February, in every year, the citizens of Chapel Hill shall elect five persons Commissioners thereof, who shall remain in office one year and until the election of their successors.

Sec. 3. *Be it further enacted,* That no person shall be eligible as a Commissioner unless he be a resident and the owner of an acre lot, or freehold estate of the value of five hundred dollars, in said village; nor shall any person vote in said election but free white males of the age of twenty one years, subject to taxation, and residents therein for six months immediately preceding the day of election.

Sec. 4. *Be it further enacted,* That any Justice of the Peace, or any two citizens of the village eligible to the office of Commissioner, (in case there be no resident Justice of the Peace,) may hold the election and determine who are elected.

Sec. 5. *Be it further enacted,* That the Commissioners, as soon as may be after their election, shall choose a resi-

dent of the village (not of their own body,) a Magistrate of Police, to preside at their meetings, and give the casting vote in case of a tie ; a town Treasurer, Constable and Clerk. They shall ascertain and settle the boundaries of Chapel Hill, and cause a plot thereof to be recorded in the journal of their proceedings ; and may, on or before the first day of April in each year, assess the value of town property, lay such taxes on persons and property (Students of the University, and property owned by the Trustees thereof, excepted,) as they may deem proper, and apply the revenue arising therefrom to the construction, improvement and repair of the streets, and to such other purposes as they may deem conducive to the prosperity of the village.

Sec. 6. *Be it further enacted*, That the Town Constable, when directed by the Commissioners, shall proceed to collect the taxes ; and in the execution of this duty, shall have all the authority, and may use all the means, exercised and used by the Sheriffs of this State in the collection of public taxes.

Sec. 7. *Be it further enacted*, That all residents of the Village, and persons owning property therein, shall, on or before the first day of April, annually, make a written statement of all taxable polls and property for which they may be accountable, and deliver the same to the Magistrate of Police. Any person failing to make such statement, or making a false statement, shall be subject to double tax ; and it shall be the duty of the Town Constable, on the requisition of the Commissioners, to proceed to collect the same on all such unreturned persons or property.

Sec. 8. *Be it further enacted*, That the Commissioners shall appoint a Patrol, to consist of all white males, residents of said Village, between the ages of twenty-one and fifty years, (members of the Faculty and students of the University excepted,) and shall divide into as many compa-

nies as they may deem proper, and direct the time for the performance of duty by each company. Any person who shall fail to perform such duty, (except for good cause, to be judged of by the Commissioners,) shall forfeit the sum of one dollar for each failure; and it shall be the duty of the Town Constable to collect and pay over the same to the Town Treasurer.

Sec. 9. *Be it further enacted*, That it shall be the duty of the Commissioners to adopt proper ordinances, and use all other lawful measures for the suppression of nuisances, the proper regulation of shop keepers, and the exclusion of itinerant venders of spirituous liquors, and all other articles the sale of which is not licensed by the laws of this State.

Sec. 10. *Be it further enacted*, That all enactments coming within the purview of this act, are hereby repealed; and this act shall be in force from and after its passage.

AN ACT CONCERNING THE UNIVERSITY.

Chapter 114.

1. Any license, granted to retail spirituous liquor, wine or cordials at Chapel Hill, or within two miles thereof, shall be void.

2. No person shall erect, keep, maintain or have at Chapel Hill, or within two miles thereof, any tippling house, establishment or place, for the sale of wine, cordials, spirituous or malt liquor.

3. No person in the State, without permission in writing from the President of the University, or some Member of the Faculty, shall sell, or offer to sell or deliver to any Student of the University, or to any other person, any cordial, wine, spirituous or malt liquor for the purpose of being used, or with knowledge that the same will be used, at Chapel Hill, or within two miles thereof, by any such Student.

4. No person, at or within two miles of Chapel Hill, shall give or furnish any electioneering treat or entertainment.

5. No person shall set up, keep or maintain at Chapel Hill, or within five miles thereof, any public billiard table, or other public table of any kind, at which games of chance or skill, by whatever name called, may be played.

6. No person, without permission in writing obtained therefor from the President of the University, or some Member of its Faculty, seven days beforehand, shall exhibit at Chapel Hill, or within five miles thereof, any theatricals, sleight of hand or equestrian performances, or any dramatic recitations or representations, or any rope or wire dancing,

natural or artificial curiosities, or any concert, serenade or performance in music, singing or dancing.

7. Any person who shall offend against any of the provisions of this chapter, herein before recited, shall be deemed guilty of a misdemeanor.

8. Any contract or agreement by any Student of the University, being then a minor, with any shopkeeper, merchant, trader or other person, upon the sale of any wine, cordial, spirituous or malt liquor, or of any goods, wares or merchandize, or any article of trade, or with the keeper of any livery stable, shall be void, unless the same, if made at or within two miles of Chapel Hill, be made under the written permission of the President of the University, or some Member of its Faculty; or if made at a greater distance from Chapel Hill, under the written consent of the person who may have the control and authority over such Student.

9. Every contract made with a Student of the University, contrary to the provisions of the preceding section, shall be void, and may be avoided on account of any of the matters therein contained, on the plea of the general issue: on the trial whereof, if it appear that the defendant was, at the time of the alledged contract, a Student of the University, it shall be presumed that he was, at the making thereof, a minor.

10. Every such contract shall be incapable of being confirmed, and any promise or obligation given by such Student, after his arrival at full age, shall be void.

11. All the real estate which has escheated or may escheat to the State, which has not been reduced into possession by the State, or the President and Directors of the Literary Fund, shall be, and is hereby, vested in the Trustees of the University, for the use of the University.

12. This act shall take effect from and after its ratification.

ORDINANCES.

BE IT ORDAINED by the Commissioners of Chapel Hill, and it is hereby ordained by the authority of the same :

I. That the boundaries of the Village are, and shall be, as follows, to wit : Franklin Street shall begin at the point of intersection with the road to Purify's Mill, in the lands of John Craig, and extend North $63^{\circ} 40'$ East, two thousand six hundred and twenty-two yards, to the point where it intersects the line of the lands owned by the Trustees of the University. Raleigh Street shall extend to a point in a line parallel with Franklin Street, which shall include the Grave Yard—And Hillsborough Street to a point in a line parallel with Franklin Street, which shall be equidistant from said Street with the terminus of Raleigh Street. The exterior boundary shall be a rectangle, formed by lines passing through these four points, including, by computation, an area of eight hundred and thirty-nine acres and one-sixth of an acre.

II. The Town Constable shall, as early as practicable after the first day of April in each year, collect and pay over to the Treasurer all moneys due for taxes.

III. The Treasurer shall pay no account against the Commissioners until it shall have been allowed by the Board and certified by the Clerk.

IV. No contract made by a Committee, involving an expenditure of more than twenty-five dollars, shall be valid until it shall have been approved and ratified by the Board.

V. No person shall receive compensation for alledged services rendered the Commissioners, unless under a contract previously made with the Board.

VI. No Instructor shall be permitted to occupy the Village School House, until he shall have given bond with sufficient sureties, payable to the Commissioners, and delivered to the Treasurer, to pay rent at the rate of twenty-five dollars per annum, and at the end of the term to return the building in as good order as it was when he received it.

VII. The carcasses of hogs, or other animals, dying in the streets or lots, must be removed by the owner, immediately upon notice being given, under a penalty of one dollar for each omission to do so.

VIII. No person, unless while engaged in erecting a house, shall place timber, brick, stone, fire wood, or rubbish of any kind, in any street, and suffer the same to remain longer than a day, under the penalty of one dollar for each day the nuisance may continue after notice to remove the same.

IX. No merchant, or other person, shall load or unload goods, wares, or other articles, in or from a wagon or cart, on the Sabbath day, under a penalty of five dollars.

X. No itinerant vender of spirituous liquors, or other prohibited articles, shall be permitted to offer the same for sale, in any quantity, within the limits of the Village, under a penalty of five dollars in each instance of selling or offering to sell.

XI. Every organist or traveling musician, or foreign beggar, who shall play for reward, or solicit charity in the streets or from door to door, shall incur a penalty of one dollar for each offence, unless the Magistrate of Police shall remit the same to blind persons, and others unable to earn a livelihood by manual labor.

XII. No person shall erect a kiln to dry plank or other lumber, within two hundred feet of any dwelling house, or within forty feet of any shop or out-house. Such kiln, if erected, shall be deemed a nuisance, and be subject to abatement and indictment.

XIII. No person shall permit slaves, or persons of color, to meet and dance in any kitchen or other house, without license first obtained from the Magistrate of Police or two Commissioners, under the penalty of five dollars for each offence.

XIV. No person shall hitch a horse or mule to a shade tree or on the side walks, throw fire-balls, explode fire-crackers, discharge fire-arms in any street or lot, or wantonly ride or drive with dangerous rapidity through the streets, under a penalty of one dollar for each offence.

XV. It shall be the duty of the Magistrate of Police and the Town Constable to adopt the proper measures to ascertain the true condition of all persons of color residing in the Village and claiming to be free.

XVI. No shop-keeper, or other person, shall open any Restaurant, Refectory, or establishment whatsoever, for supplying refreshments of any kind upon the Sabbath day. From the first of May to the first of September in every year, all such places shall be closed at 8 o'clock P. M.; and from the first of September to the first of May, at 9 o'clock P. M.; except on Fridays and Saturdays, when they may be kept open until 10 o'clock P. M. Any person violating this ordinance, shall incur a penalty of five dollars for each offence.

XVII. All oats, hay, fodder and other provender sold in the village, shall be weighed at the public scales, by the Town Constable, who shall give a certificate of the weight of the load, and also of the weight of the vehicle when un-

loaded; and if any person shall sell or buy any unweighed provender, he or she shall incur a penalty of five dollars.

XVIII. The Town Constable shall record the name of the person, the weight of the load, and the amount charged for weighing the same, and shall be entitled to receive for each load weighing less than five hundred pounds ten cents, more than five hundred and less than one thousand pounds, fifteen cents, and more than one thousand pounds, twenty cents.

XIX. It shall be the especial duty of the Town Constable to observe, and report at every meeting of the Commissioners, all violations of these ordinances. He shall, moreover, be careful to arrest all drunken and disorderly persons, and all itinerant venders of spirituous liquors, who may be found in the public streets, or within the limits of the Village, by night or by day; and for these services he shall receive twenty per cent. of all fines that may be collected under these laws.

CORPORATION, 1855.

DAVID L. SWAIN, Magistrate of Police.

MANUEL FETTER,

JOHN R. HUTCHINS,

JOHNSTON. B. JONES,

GABRIEL UTLEY,

JOHN H. WATSON,

} Commissioners,

ANDREW MICKLE, Town Treasurer.

MADISON SUGG, Town Constable.

ALGERINE R. MORRIS, Town Clerk.

Handwritten text in a vertical column, likely a signature or a list of characters, written in dark ink on aged, stained paper.

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be taken from the
Library building.**

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